



City of Harrisonburg, Virginia

Planning Commission Meeting

January 14, 2009

7:00 p.m.

Regular Meeting
409 South Main Street

- 1) **Call to order, roll call, determination of quorum, and review/approval of minutes from the December 10, 2008 regular meeting.**
- 2) **Election of Officers for 2009**
- 3) **New Business**

Ordinance Amendment – MX-U, Mixed Use Planned Community District

Public hearing to consider adopting the MX-U, Mixed Use Planned Community District as a new zoning district within the Zoning Ordinance.

Ordinance Amendment – Dwelling Definitions & Net Development Area

Public hearing to consider amending Article F. Section 10-3-24 of the Zoning Ordinance to modify definitions for specific dwelling types and to add a definition for Net Development Area.

Ordinance Amendment – Two Family Dwelling Replaced by Duplex

Public hearing to consider amending the Zoning Ordinance Sections 10-3-39 (2), 10-3-41, 10-3-37, 10-3-48.3 (2), 10-3-48.5, 10-3-53, 10-3-179 (2), and 10-3-181. These amendments would replace the term “two-family dwellings” with the term “duplex” in the above listed sections.

Ordinance Amendment – R-6 and R-7 Occupancy

Public hearing to consider amending Article L. Section 10-3-56.3 and Article L.2 Section 10-3-57.3 of the Zoning Ordinance to add language that more clearly specifies the occupancy regulations within the R-6 and R-7 zoning districts.

Ordinance Amendment – R-6 and R-7 Article T Provisions

Public hearing to consider amending Article L. Section 10-3-56.5 and Article L.2 Section 10-3-57.5 of the Zoning Ordinance to add language that more clearly specifies how uses that are regularly restricted within Article T will be handled within the R-6 and R-7 zoning districts.

- 4) **Unfinished Business**
- 5) **Public Input**
- 6) **Report of secretary and committees**
Proactive Zoning
- 7) **Other Matters**
Discuss the nomination of a Commissioner to the BZA for City Council's consideration
- 8) **Adjournment**

Staff will be available Tuesday February 10, 2009 at 2:30 p.m. for those interested in going on a field trip to view the sites for the February 11, 2009 agenda.



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

January 14, 2009

ZONING ORDINANCE AMENDMENT MX-U Mixed Used Planned Community District

City staff is requesting to modify the City's Zoning Ordinance by adopting the MX-U, Mixed Use Planned Community District as a new zoning classification. As defined in sections of the zoning text, this district is intended to provide opportunities for the development of mixed communities that offer an integrated and compatible mix of residential, commercial, and office uses, together with open space, recreational, governmental, educational, religious, and other support uses. Property owners wishing to take advantage of this zoning category will be required to apply for a rezoning as no properties will be pro-actively rezoned to this district. Applicants will work closely with city staff to develop a master plan for their development proposal. Approved development plans will be enforced similarly to the enforcement of R-6 and R-7 developments where a property essentially has its own zoning regulations based upon the approved master plan.

Developments in this district should achieve a mix of uses with effective site planning and design that provides sufficient multimodal transportation facilities, landscaping, screening, and open space. Staff believes the district will promote traffic calming techniques and safer environments for pedestrians and bicyclists while at the same time encouraging communities with less reliance on the automobile. Single family detached, duplex, townhouse, and multiple family dwellings would all be permitted along with mixed-use buildings and stand alone commercial and office uses. There is a 15% minimum requirement for a park or common open space. A mixture of uses must also be provided as there is a maximum percentage that is permissible for each different use (except for parks and open spaces).

The mixed use zoning district has been a topic of discussion since the last Comprehensive Plan update in February of 2004. The MX-U zoning district should help achieve several goals and objectives as pointed out by the Comprehensive Plan; those initiatives include: improving the quality and compatibility of land use and development, encouraging mixed use development where different types of properties enhance and complement one another, promoting novel patterns of development like those developed early in the city's history—vital, well planned and well integrated mixed-housing and mixed-use urban areas of distinct character, and to strengthen existing neighborhoods and promote the development of new neighborhoods that are quiet, safe, beautiful, walkable, enhance social interaction, and offer a balanced range of housing choices.

Staff supports a favorable recommendation to City Council to adopt the MX-U district.

ZONING ORDINANCE AMENDMENT

Section 10-3-24. Definitions.

The creation of the MX-U zoning district has caused a need to add a new definition to Section 10-3-24 of the Zoning Ordinance. If approved, the MX-U district regulates the mixture of uses with defined minimum and maximum percentages of what is called the "Net Development Area." This term is not currently used or defined by our Zoning Ordinance, and therefore, staff suggests that it be defined as the total area of land in the MX-U development designated on the master development plan for residential, non-residential, or open space uses, excluding streets. Please note that since the last time Planning Commission reviewed this proposed definition, staff has removed the term "public" in reference to streets, which are excluded from the net development area. Staff believes there should be no distinction, for the purpose of this definition, of the land area used for public or private streets.

In conjunction with this amendment staff would also like to replace, remove, and add new language to the "Dwelling" terms as they are currently defined within Section 10-3-24. Staff suggests to replace the title of "Dwelling, One Family" with "Dwelling, Single Family" since the majority of the Zoning Ordinance already refers to these types of units as single family. Secondly, we suggest replacing the title of "Dwelling, Two Family" with "Dwelling, Duplex" since this appears to be the preferred identification of these types of units. At the same time, we suggest removing the existing definition of a duplex with a new definition that more clearly describes these units and removes the confusion of their occupancy from the definition. We also suggest adding the word "Family" to the definition title of "Dwelling, Multiple" since the majority of the Zoning Ordinance refers to these units as multi-family. Similar to the new duplex definition, staff proposes to eliminate the existing "Dwelling, Multiple" definition and to replace it with a less confusing definition regarding their occupancy allowance and again to more clearly define these types of units. Finally, we offer to add language to "Dwelling, Townhouse," which should clear up how this term is used throughout the Zoning Ordinance.

Staff supports a favorable recommendation to City Council to amend the Definitions section of the Zoning Ordinance.

ZONING ORDINANCE AMENDMENT

Sections 10-3-39 (2), 10-3-41, 10-3-47, 10-3-48.3 (2), 10-3-48.5, 10-3-53, 10-3-179 (2), and 10-3-181

If the definition of "Dwelling, Two Family" is replaced with "Dwelling, Duplex," then the Zoning Ordinance must be further modified by replacing the word "two family" with "duplex" in each of the above listed sections. These sections would include several Uses Permitted By Right sections, tables within the Area and Dimensional Regulations sections, and in a few locations, the special notes that appear below the Area and Dimensional Regulation tables.

Staff supports a favorable recommendation to City Council.

ZONING ORDINANCE AMENDMENT
Sections 10-3-56.3 and 10-3-57.3

During the formulation of the MX-U zoning district, staff recognized the need to more clearly specify how the R-6 and R-7 zoning classifications regulate occupancy. Since the adoption of both the R-6 and the R-7 zoning districts, the City has enforced and described to interested developers, that occupancy within both of these zoning districts is intended for single families; however, neither of these districts explicitly state how occupancy is regulated. Therefore, staff would like to take this opportunity to delineate how dwellings shall be occupied by adding a subsection for both R-6 and R-7 that states that dwelling units may be occupied by a single family or not more than two unrelated individuals.

Staff supports a favorable recommendation for these amendments to City Council.

ZONING ORDINANCE AMENDMENT
Sections 10-3-56.5 and 10-3-57.5

The creation of MX-U zoning district allowed staff to further recognize an additional amendment needed for the R-6 and R-7 zoning districts for issues that are generally regulated by Article T. Within the text of the MX-U zoning district, staff included language that discusses how issues with things such as architectural treatments, fire escapes, terraces, patios, uncovered porches, decks, and so on would be handled; and, since the R-6 and R-7 master planned communities are handled similarly to the MX-U district and do not explicitly describe how these issues would be handled, staff believes it is necessary to add the same text to both the R-6 and R-7 districts. The statement would simply state, unless otherwise specified within the master development plan, the provisions of Article T shall apply to the specific zoning district.

Staff supports a favorable recommendation for these modifications to City Council.

ORDINANCE AMENDMENT

MX-U Zoning District

Draft

ORDINANCE ADDING SECTION

10-3-58

OF THE

CODE OF ORDINANCES

CITY OF HARRISONBURG, VIRGINIA

Be it ordained by the Council of the City of Harrisonburg, Virginia:

That Section 10-3-58 be added as follows:

ARTICLE L.3. MX-U MIXED USE PLANNED COMMUNITY DISTRICT

Sec. 10-3-58.1. General.

The regulations set forth in this article or set forth elsewhere in this chapter when referred to in this article are the “MX-U” Mixed Use Planned Community District Regulations.

Sec. 10-3-58.2. Purpose of the district.

This district is intended to provide opportunities for the development of planned mixed use communities offering an integrated and compatible mix of residential, commercial and employment uses and open spaces, together with certain governmental, educational, religious, recreational and support uses. Innovative building types and creative subdivision design solutions are encouraged to promote neighborhood cohesiveness, walkability, connected transportation systems, community green spaces and protection of environmental resources. Communities shall be developed and redeveloped in accordance with a master development plan adopted at the time of rezoning or a subsequent approved amendment thereof. In order to carry out the intent of this article, planned communities developed under these district regulations and the approved master development plan shall achieve the following design objectives:

- (1) A mix of uses is provided so that residents can live, work, shop, and carry out many of life's other activities within the neighborhood.
- (2) Uses are well-integrated rather than widely separated and buffered. Compatibility between different uses is achieved through effective site planning, compatible architectural design, and landscaping and screening of parking lots, utilities, mechanical/electrical/telecommunications equipment and service/refuse functions.

Draft

- (3) Development is clustered to preserve valuable environmental resources and provide usable recreational open space.
- (4) The open space system is as carefully designed as the development area so as to offer usable parks, connected green spaces, and village greens and civic spaces visible from roadways.
- (5) Vehicular, pedestrian and bicycle transportation is facilitated through a connected system of roads, sidewalks and/or trails so as to provide many choices with regard to mode and route. The proximity of uses allows residents to walk, ride a bicycle, or take transit for many trips between home, work, shopping, and school.
- (6) The overall intensity of development is designed to be high enough to support transit service.
- (7) Traffic calming techniques may be used to reduce vehicle speed and increase pedestrian and bicycle safety.
- (8) Principal buildings address the street, presenting front facades on the publicly visible side of the building.
- (9) The visual impact of vehicular off-street parking and garages on public streetscape views is minimized through innovative site planning and building design.

Sec. 10-3-58.3. Uses permitted by right:

- (1) Single family detached dwellings.
- (2) Duplex dwellings.
- (3) Townhouse dwellings (three (3) to eight (8) dwelling units).
- (4) Multiple family dwellings.
- (5) Dwelling units may be occupied by a single family or not more than two unrelated individuals.
- (6) Home occupations.
- (7) Retail stores, convenience shops, personal service establishments, restaurants (excluding those with drive-through facilities), food, and drug stores.
- (8) Governmental, business and professional offices and financial institutions.
- (9) General service or repair shops, when not employing more than ten (10) persons on the premises in a single shift (not including persons whose principal duties are off the premises) and providing that all storage and activities are conducted within a building. Examples: cleaning and laundry establishments, tailoring shops, print and copy shops, appliance repairs, upholstery and furniture repairs.
- (10) Theaters, museums and galleries and other places of assembly for the purpose of entertainment or education.
- (11) Religious, educational, charitable and benevolent institutional uses which do not provide housing facilities.
- (12) Community buildings.
- (13) Public and private schools.
- (14) Child day care centers.
- (15) Adult day care centers.
- (16) Parks.
- (17) Common open space.
- (18) Public uses.
- (19) Accessory buildings and uses customarily incidental to any of the above-listed uses.

Sec. 10-3-58.4. Uses permitted only by special use permit.

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- (1) Private clubs and golf courses.
- (2) Home for the aged in which not more than (3) persons not of the immediate family are provided with food, shelter and care for compensation.
- (3) Major family day home.
- (4) Bed and breakfast facilities in which (a) food service shall be limited to breakfast and light fare for room guests only and (b) having space available on premises for one parking space per guest room.

Sec. 10-3-58.5. Area, density and dimensional regulations.

- (1) Minimum district size: 3 contiguous acres, unless adjacent to an established MX-U District.
Note: Properties that are not 3 contiguous acres shall meet all regulations of the MX-U District.
- (2) Maximum density: On average 15 dwelling units per acre.
- (3) Minimum common open space or park: 15%.
- (4) Maximum building height, lot area, lot width, lot depth and yards for all uses: requirements as set by the approved master development plan.
- (5) Unless otherwise specified within the master development plan, the provisions of Article T shall apply to the MX-U zoning district.
- (6) Building floorplates: building floorplates shall not exceed 20,000 square feet, except as approved in the master development plan and subject to the standards in Section 10-3-58.6 (g).

Sec. 10-3-58.6. Other regulations.

- (a) Attached or detached private radio and television antennas, including dish antennas, shall not exceed the maximum height otherwise permitted in this district and shall not be permitted in front yards.

Exception: Private amateur radio antennas intended for public service and emergency use may exceed the height otherwise established so long as the height is justified for proper radio communications.

- (b) Off-street parking shall be proposed and shown for all buildings and uses.
 - (1) Off-street parking shall not be located between the street and the front building façade, and preferably sited to the rear of buildings. Off-street parking shall be screened to have minimal impact on the streetscape.
 - (2) Bicycle racks shall be included at appropriate locations and provided at a minimum of one bicycle rack accommodating a minimum of four bicycles for every 100 off-street parking spaces.
 - (3) Bus Shelters shall be provided at designated transit stop locations as specified by the Transportation Department.
- (c) There shall be adequate area within the site to accommodate buildings, roads and parking areas with minimal impact on steep slopes and floodplains.

Draft

- (d) Mix of uses: The MX-U planned community shall provide a mix of uses meeting the following minimums and maximums:

Land Uses	% of Net Development Area	
	Minimum	Maximum
1) Parks, common open space (10-3-58.3 (16) & (17))	15%	None specified
2) Retail, service (10-3-58.3 (7), (9), (14) & (15))	5%	30%
3) Employment, office (10-3-58.3 (8))	No minimum	30%
4) Residential (10-3-58.3 (1), (2), (3), (4) & (6))	No less than 2) & 3) combined	80%
5) Other permitted uses	None specified	None specified

- (e) At least two types of residential housing types (single family detached of varying lot sizes / configurations, single family attached, multiple family) shall be provided and no one housing or lot size / configuration type may exceed a total of 70% of all the residential units in the community.
- (f) Mixed use buildings comprised of retail, office and/or multiple family dwellings are permitted. The land devoted to such mixed use buildings and the streets, parking and landscape areas serving such buildings, shall be counted toward the maximum area permitted for either retail-service or employment-office uses, which ever is the predominant non-residential use type in the building. The multiple family dwelling units within mixed use buildings shall be included in the total number of dwelling units in the development and therefore in the calculation of the density for the development.
- (g) Buildings having a floorplate larger than 20,000 square feet, but no more than 60,000 square feet, may be approved as part of a master development plan for a MX-U Planned Community if the applicant demonstrates that the proposed building's design is compatible with adjacent development. Compatibility may be achieved through architectural design, site planning, landscaping and/or other measures that ensure that views from adjacent residential development and public streets are not dominated by the building, mechanical/ electrical and utility equipment, service/refuse functions or associated parking lots or garages.
- (h) Applicants for the MX-U zoning district shall submit at rezoning a master development plan, showing and describing in map and text form:
- (1) General layout of roads, housing areas, open space, parks, pedestrian and bicycle trails.
 - (2) General location and number of community building, school, day care, church and public use sites proposed.

Draft

- (3) Description of housing types / lot configurations to be used with lot areas, minimum widths and depths, minimum yards defined.
 - (4) Description of all other uses proposed for the MX-U development.
 - (5) Indication on the master development plan of the general location of housing types / lot configurations and other uses proposed.
 - (6) Environmentally sensitive areas: slopes exceeding 15%, streams and 100-year floodplains.
 - (7) Proposed active recreation areas and recreation facilities.
 - (8) Proposed general landscape plan (landscape areas, plant materials and general specifications).
 - (9) Description of how design principles of the district are to be met and other details, if any, to implement the principles.
- (i) Ownership and maintenance of common open space and other common facilities.
- (1) Unless all real property within the district is owned by a single entity, the following general requirements apply:
 - i. Organization: a property owners' association shall be established to provide for the ownership, care and maintenance of all common open space areas and other common facilities and improvements.
 - ii. Ownership: All common open space, facilities and improvements shall be dedicated to the property owners' association. No land within privately owned lots shall be considered common open space.
 - iii. Covenants: All property owners' associations shall be created by covenants and restrictions recorded among the land records of the City of Harrisonburg. All such covenants shall include provisions for the maintenance of common open space, facilities and improvements.
 - (2) Maintenance requirements:
 - i. Responsibility: The property owners' association shall be responsible for the maintenance of all common open space, facilities and improvements in a reasonable condition.
 - ii. Condition: All open space areas shall be landscaped as shown on the adopted master development plan and shall be kept in a clean, attractive and safe condition. All open space areas shall be kept open to and available for use by the residents of the planned community.
- (j) The approved master development plan shall govern development on the site and shall be used as a basis for subdivision and site plan approval and zoning code enforcement.
- (k) The master development plan may be amended after the initial rezoning to MX-U. Such amendment is considered an amendment to this ordinance and shall be processed according to the regulations under Article U.

Draft

This ordinance shall be effective from the _____ day of _____, 2009.
Adopted and approved this _____ day of _____, 2009.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

ORDINANCE AMENDMENT

Zoning Ordinance
Section 10-3-24. Definitions.

Draft

ORDINANCE AMENDING AND RE-ENACTING SECTION

10-3-24

OF THE

CODE OF ORDINANCES

CITY OF HARRISONBURG, VIRGINIA

Be it ordained by the Council of the City of Harrisonburg, Virginia:

That Section 10-3-24 be amended as follows:

Section 10-3-24. Definitions

Remove language and add language as shown:

Dwelling, ~~one family~~ *Single Family*: A building occupied by or designed for occupancy by one (1) family or occupancy as described by the specific zoning district.

Dwelling, ~~two family~~ *Duplex*: ~~A building occupied by or designed for occupancy by two (2) families. A building comprised of Two connected dwelling units where each is designed for one (1) family or occupancy as described by the specific zoning district.~~

Dwelling, Multiple Family: ~~A building or portion thereof occupied by or designed for occupancy by three (3) or more families. A building comprised of at least three (3) dwellings, not separated by a property line, where each unit is designed for one (1) family or occupancy as described by the specific zoning district.~~

Dwelling, Townhouse: *Unless otherwise specified within a zoning district, a townhouse is one of a series of at least three (3) attached dwelling units, not to exceed eight (8), for rent or sale, separated from one another by common walls and property lines without openings from basement floor to roof and having varied but compatible elevations, and with not more than two (2) abutting dwelling units having the same front yard setback. The lots, utilities and other improvements for each "townhouse" would be designed to permit individual and separate ownership of such lots and dwelling units.*

Alphabetically add a definition of Net Development Area as follows:

Draft

Net development area: The total area of land in the MX-U development designated on the master development plan for residential, non-residential, or open space uses, excluding streets.

The remainder of Section 10-3-24 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the _____ day of _____, 2009.
Adopted and approved this _____ day of _____, 2009.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

ORDINANCE AMENDMENT

Zoning Ordinance

Sections 10-3-39 (2), 10-3-41, 10-3-47, 10-
3-48.3 (2), 10-3-48.5, 10-3-53, 10-3-179
(2), 10-3-181

Draft

ORDINANCE AMENDING AND RE-ENACTING SECTIONS

10-3-39 (2), 10-3-41, 10-3-47, 10-3-48.3 (2), 10-3-48.5, 10-3-53, 10-3-179 (2),
10-3-181

OF THE

CODE OF ORDINANCES

CITY OF HARRISONBURG, VIRGINIA

Be it ordained by the Council of the City of Harrisonburg, Virginia:

That Sections 10-3-39 (2), 10-3-41, 10-3-47, 10-3-48.3 (2), 10-3-48.5, 10-3-53, 10-3-179 (2), 10-3-181 be amended as follows:

Amend language as described:

The sections that are listed above, which have the word “two-family” within the text shall be replaced with the word “duplex”. This includes several Uses Permitted By Right sections, tables within the Area and Dimensional Regulations sections and in a few locations, the special notes that appear below the Area and Dimensional Regulation tables.

The remainder of the above listed sections are reaffirmed and reenacted in their entirety, except as hereby modified.

Draft

This ordinance shall be effective from the _____ day of _____, 2009.
Adopted and approved this _____ day of _____, 2009.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

ORDINANCE AMENDMENT

Zoning Ordinance
Sections 10-3-56.3 and 10-3-57.3

Draft

ORDINANCE AMENDING AND RE-ENACTING SECTIONs

10-3-56.3 and 10-3-57.3

OF THE

CODE OF ORDINANCES

CITY OF HARRISONBURG, VIRGINIA

Be it ordained by the Council of the City of Harrisonburg, Virginia:

That Section 10-3-56.3 be amended as follows:

Section 10-3-56.3. Use Permitted By Right.

Add subsection (n) as shown:

(n) Dwelling units may be occupied by a single family or not more than two unrelated individuals.

That Section 10-3-57.3 be amended as follows:

Section 10-3-57.3. Use Permitted By Right.

Add subsection (p) as shown:

(p) Dwelling units may be occupied by a single family or not more than two unrelated individuals.

The remainder of Section 10-3-56.3 and 10-3-57.3 are reaffirmed and reenacted in their entirety, except as hereby modified.

This ordinance shall be effective from the ____ day of _____, 2009.
Adopted and approved this ____ day of _____, 2009.

Draft

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

ORDINANCE AMENDMENT

Zoning Ordinance
Sections 10-3-56.5 and 10-3-57.5

Draft

ORDINANCE AMENDING AND RE-ENACTING SECTIONs 10-3-56.5 and 10-3-57.5

OF THE CODE OF ORDINANCES CITY OF HARRISONBURG, VIRGINIA

Be it ordained by the Council of the City of Harrisonburg, Virginia:

That Section 10-3-56.5 be amended as follows:

Section 10-3-56.5. Use Permitted By Right.

Add a new subsection (f) as shown:

(f) Unless otherwise specified within the master development plan, the provisions of Article T shall apply to the R-6 zoning district.

That Section 10-3-57.5 be amended as follows:

Section 10-3-57.5. Use Permitted By Right.

Add a new subsection (f) as shown:

(f) Unless otherwise specified within the master development plan, the provisions of Article T shall apply to the R-7 zoning district.

The remainder of Section 10-3-56.6 and 10-3-57.6 are reaffirmed and reenacted in their entirety, except as hereby modified.

This ordinance shall be effective from the _____ day of _____, 2009.
Adopted and approved this _____ day of _____, 2009.

Draft

MAYOR

ATTESTE:

CLERK OF THE COUNCIL